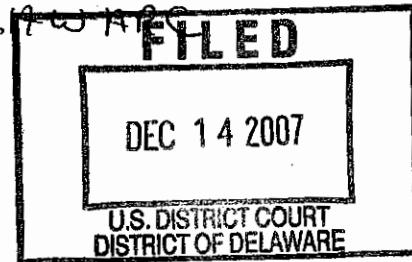


IN THE U.S. DISTRICT COURT
DISTRICT OF DELAWARE

(SLR)

BD
X-1000

DENNIS A. ELLIOTT {
APPELLANT, PRO-SE {
v.
FAMILY COURT OF THE {
STATE OF DELAWARE {

CASE # 1:07-CV-744(SLR)

DENNIS A. ELLIOTT
2-222 120-206
V.O.P. Central
P.O. BOX 5003
Smyrna, Delaware 19977-
5003

DATED: 12-09-07

ROBINSON.

Appellant hereby presents documentation
Exhibits A, B, and C. 10 show evidence that
his Family Court sentence is unconstitutional,
as outlined in United States v Doughtery
10th Cir, 106 F.3d 1514, 1515 (1997). ("See EXHIBIT
B or")

1. Exhibit C - Commitment Order dated November
14th, 2007 which was appellants Court
hearing date in the Family Court of Delaware
at C1 shows a date of commitment of 11/14/07

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yet as Exhibit B shows at [A] a start date of November 02, 2007, which was appellant arrest date on same Ct. Capias return for arrears.

(A) Appellant states this shows this sentence is "internally contradictory" as outlined under Dougherty.

2. As Exhibit A. shows at #4 length - being sentence shows - 1, M 0, D 0, and that this sentence runs INDEFINITE at #1. at Exhibit C fails to specify any type of time frame of sentence.

(A) Appellant states this fails to meet the requirement of Dougherty, omits a term required to be imposed by statute, and is uncertain as to the substance of the sentence.

That this is in violation of his 14th Amend right of due Process, and Equal Protection.

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This sentence fails to meet the Fifth Amendment's requirement of "No person shall be held to answer . . . , or otherwise infamous crime . . . , nor be deprived of life, liberty, or property, without due process of law; . . . , without just compensation."

3. Appellant states that nowhere in the language of Del. 13 § Chapter 6 of Uniform Interstate Family Support Act does the Delaware General Assembly authorize the "Family Court of Delaware to hold in custody for collection of arrears owed to another state." [¶] Emphasis added. Or sentence a person(s) to any form of commitment at level 5 or otherwise.

(A) § 13 § 624 of Un. Inter. State Fam. Support Act, Duties and powers of responding tribunal, at B pg. 70 1 thru 12, only at (12) "Grant any other available remedy."

3 (1) Appellant states that if the Delaware General Assembly intended to use level 5 custody or level IV for a tool to collect arrears for another state, they would have written into the ~~language~~ ^{language} of 13 § 624 ~~specifying~~ ^{specifying} that intent. ^{*1A} Without that specified language, the Family Court of Delaware is holding the Appellant illegally, in direct violations of his Constitution 5th and 14th amendments and has failed to show under his 6th Amendment Right, "in all criminal prosecutions, the accused shall enjoy the right ..., a...," "... by an impartial jury of the ~~State~~ State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, ...," "... and to have the assistance of Counsel for his defence." ¹¹ ~~12~~ ¹³ Judgement of conviction did not authoriz Pg 4 of 8

3(2) Appellant further states that under 13§ 629 - Duties of Division of Child Support Enforcement.

AT(4). Obtain information
by such means as postat verification
and federal or state locator services.
. and examination of governmental
records, and social security.

4 Appellant claims that by the Family
Courts (use of 13§ 629 AT#1) at the
federal level, and being provided government
access to his governmental records, that
this Honoral Court of the U.S. District
Court has overlaying jurisdiction over
the cinterstate Agreement between Delaware
and New Jersery. By use of federal service.
1. That Family Court is under federal law bound
by and/or governing the powers of enforcement from
and/or between states: Within Constitutions
boundaries.

5 Appellant claims to this Court, that his sentence (exhibit(A) at #3) is in violation of his Eighth Amendment. ^{1:07-cv-744 (SLR)}

1. "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." ^{8th U.S.C.A}

(2) By appellants under Condition Comments of Exhibit A, at #3 indicates he has a purged payment of \$1000.00. Fine, But his commitment Order (see Exhibit C) states, "Respondent may purge him/herself of this commitment and be released upon paying \$ 1,000.00 on this account.

Nowhere within our Eight Amendment Right is there reference to a purge in lieu of bail for release. This nothing short of a ransom for freedom.

6 Appellant states to this Court that under his sentence he is being held as a debtor, and is being held in nothing short of a debtors prison! Regardless of

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how the State Court address this issue.
that debtors prisons have been not in
use since "The British Empire used them
on the colonist" until July 04, 1776. Where-
forth our Great Constitution outlawed the
use of such acts of tyranny against the
people of this Country.

1. Appellant states this sentence is in
defiance of his Equal Protection of the
14th Amendment. And violates his 14th 5th
and 8th Amendments!
Per say an indigent person that has

not means to pay a pinge would be
left to sit in custody indefinitely,
Compare to a person(s) per say that
would have access to such resource.
would not.

All people regardless of wealth, race ect,
are ~~per~~ protected by the Equal Protection
Clause. 14th amend. Page 7 of 8

Appellant Hembry ask this Court, to review the facts and merits of his support for this Writ of Habeas Corpus. And request this ~~Court~~ Courts opinion on the accusations brought forth on, the Constitution issues, such a sentence ~~arises~~ has brought forth.

Further Appellant ask this Honorable Court to his being Pro Se' at this point. That his "documentation doesn't have to be drafted as that of lawyers" U.S. Supreme Court. I don't have that cite, as since being transferred to this facility I have no immediate access to a law library as Appellant did at HRYCI. Perhaps this was why he was transfer!

Dated 12-09-07

Very Respectfully Submitted
PRO SE' Dennis A. Elliott
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(SLR)

Offender Status Sheet

Date: 11/15/2007

SBI #: 00120206 Name: DENNIS A ELLIOTT Sex: M
 Location(s): HRYCI,RSTN Level(s): 1R,4 Race: WHITE DOB: 12/18/1954 Sex Offender: []
 AKA: DENNIS PICALL; DENNIS A ELLIOTT
 Offender Type: Sentenced, Sentenced Probationer Officer(s): Rsth (Do56) Rest, Restitution Virt(63)

Level: 4

Start Date: 11/14/2007		MED:	STRD:	ADJ:	PED:	Statutory Days Earned:					
CASE#/ Court/ Type	CRA#/ Judge	Charge Desc/ Sen. Type/ Sentence Date	Status/ Eff. Date	Length			Start Dt	MED	STRD	Adj Date	CR Wk
0709025188	0709025188	SUPPORT ARREARS	Current	Y	M	D					
U1	Martha F Sackovich	Indefinite	11/14/2007	11/14/2007	0	0	11/14/2007				

Special Conditions:

CRA#	Level	Code	Condition Description	Condition Comments
0709025188	4	CRT1	Other Conditions:	COMMITTED TO LEVEL 4 FULL TIME WORK RELEASE TO BE HELD AT LEVEL 5. SENTENCE MAY BE PURGED OF COMMITMENT UPON PAYING \$1000.00 FINE, DHB

#1 #4 #2 3P

As indicated at #1 sentence is without end. at #3 has no term as #4 shows Appellant is serving not a single day of time, But is being held in custody.

1:07 CV 744

EXHIBIT B

Offender Status Sheet

Date: 11/09/2007

SBI #:	00120206	Name:	DENNIS A ELLIOTT	Sex:	M	
Location(s):	HRYCI,RSTN	Level(s):	1R,0	Race:	WHITE	
AKA:	DENNIS PICALL, DENNIS A ELLIOTT				DOB:	12/18/1954
Offender Type:	Detentioner, Sentenced Probationer				Officer(s):	Rstn (Do56) Rest, Restitution Virt(63)

A.		Detentioner Charge(s)					
Start Date	CASE#	CRA#	Description	Active	Court	Judge	Bail Amount
11/02/2007	DACS00004	0709025188	FAM.CRT CAPIAS	Y	U1	Unknown Unknown	\$1,000.00

cash

As Exhibit A clearly shows, Per sentencing at # 3 : A sentence is also illegal if it "is ambiguous with respect to the time and manner in which it is to be served, is internally contradictory, omits a term required to be imposed by statute, is uncertain as to the substance of the sentence, or is a sentence which the judgment of conviction did not authorize." United States v Doughterty 10th Cir, 106 F.3d 1514, 1515 (1997)

As Exhibit B shows his start date as 11/02/07, AT (A.) but at Exhibit C¹ shows his Date of Commitment as 11/14/07, this is contradictory internally. Omits a term, is uncertain as to the substance.

(SLR)

THE FAMILY COURT OF THE STATE OF DELAWARE

IN AND FOR THE COUNTY OF NEW CASTLE

COMMITMENT ORDER - CHILD SUPPORT

PETITIONER

DeBORAH ELLIOTT / DCSE	
ADDRESS	
ATTORNEY	
DAG BERNADETTE PLAZA	
SOCIAL SECURITY #	DOB
- - -	1 1

RESPONDENT

DENNIS ELLIOTT	
ADDRESS	
113 LINDBURG AVE	
WILM DE 19804	
V. HOWARD YOUNG CORRECTIONAL WILM DE 19801	
ATTORNEY	SBI #
Timothy Terranova, Esq.	00 120 266
GENDER	
SOCIAL SECURITY #	DOB
- - -	12 18 154

FILE NUMBER

A-8200

PETITION NUMBER(S)

07-10224

NATURE OF CHARGE

SUPPORT ARREA

DCSE NUMBER

156175

TO : DEPARTMENT OF CORRECTION

RESPONDENT IS HEREBY COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF CORRECTION AT :

LEVEL IV FULL-TIME, WORK RELEASE, TO BE HELD AT LEVEL V LEVEL III* UNTIL SPACE IS AVAILABLE.

RESPONDENT MAY BE TRANSFERRED TO LEVEL IV WEEKEND STATUS AT THE DISCRETION OF THE DEPARTMENT OF CORRECTION AFTER MEETING THE REQUIREMENT OF 60 DAYS CONTINUOUS EMPLOYMENT.

WEEKEND CONFINEMENT LEVEL IV PLUMMER CENTER LEVEL V GANDER HILL FROM 6:00^{PM} FRIDAY UNTIL 6:00^{PM} SUNDAY.

* FOR LEVEL III, RESPONDENT IS TO REPORT TO PLUMMER CENTER FOR INTAKE WITHIN 72 HOURS.

INTENTIONAL FAILURE TO COMPLY WITH THE COURT ORDER OR CONDITIONS SET BY THE DEPARTMENT OF CORRECTIONS MAY RESULT IN PLACEMENT IN LEVEL V CUSTODY PENDING FURTHER ACTION.

DATE OF COMMITMENT	11/14/07
COMMITMENT TO COMMENCE	11/14/07
REVIEW DATE	2/14/08 at 1:00 PM
REASON FOR COMMITMENT	SUPPORT ARREARS

OTHER

Arrears owed to another state. (New Jersey) original state date of order (1980)

CJ RESPONDENT MAY PURGE HIM/HERSELF OF THIS COMMITMENT AND BE RELEASED UPON PAYING \$ 1000.00 ON THIS ACCOUNT. PAYMENTS MUST BE MADE TO DCSE, PO BOX 904, NEW CASTLE, DE 19720, AND THEN DOCUMENTED TO THE COURT.

November 14th, 2007

Martha F. Sackovich

COMMISSIONER MARTHA F SACKOVICH

FAX TO: HOWARD YOUNG & PLUMMER CENTER

CC: FILE PARTIES DCSE OPER DCSE ATTORNEY PLUMMER CENTER GANDER HILL DCC BWCI

Dennis C. Elliott

SB# 120206 UNIT 2 1-222

CENTRAL VIOLATION CENTER

P O BOX 5003

SMYRNA DE LAWARE 19977-5003

Office of the Clerk

United States District Ct.

9/4/11. 161. 16th Street Neighborhood
Wilmington Del. ~~Yard~~ 3570
9/5/11 3570

19801-3570

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